UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/191,256	11/12/1998	DOUGLAS ROBERT CASE	SA9-98-160	8425

45216   7590   08/18/2008
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EXAMINER
DONAGHUE, LARRY D

ART UNIT	PAPER NUMBER
2154	

MAIL DATE	DELIVERY MODE
08/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _10 June 2008_.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-22_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-2 9-10, and 13-20_ is/are rejected.
7) ☒ Claim(s) _3-8,11,12,21 and 22_ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1.   Claims 1-22 are presented for examination.

The papers filed on 06/10/2008 under 37 CFR 1.131 has been considered but is ineffective to overcome the Case et al. (6,847,987) reference.

Paper fails to comply 37 CFR 1.131(a).

The ADSM document is indicated as mailed, in the records of the office. However the document will be remailed to applicant with this action.

2.   Claims 1, 16, 17, 19 and 20 rejected under 35 U.S.C. 102(e) as being anticipated by Case et al. (6,847,987).

The applied reference has a common inventor and assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Case et al. taught the invention as claimed including a system for remotely accessing a client in a client-server system comprising a browser for requesting remote access (col. 5, line 59 – col. 6,line 18); a client machine further comprised of a listening program configured to be responsive to requests for remote access from the browser, establish direct communications therewith , and invoke a client agent for communicating with the browser and a server machine (col. 8, lines 1-18, fig. 5B, fig 6 200) .

As to claim 16, Case et al. taught computer-readable medium having a program for servicing a request using a client, the client being capable of communicating with a browser (col. 5, line 59 – col. 6,line 18), the client providing a plurality of functions, the program containing instructions for: providing a client agent containing a client platform and an application programming interface; and providing a listening program for listening for a communication from the browser, establishing direct communications therewith, and invoking the client agent; wherein the client agent communicates with both the browser and a server (col. 8, lines 1-18, fig. 5B, fig 6 200).

As to claim 17, Case et al. taught the client and the server are on the same machine (fig 5B, 175).

As to claim 20, Case et al. taught the communications by the client agent with the server include instructions for restoring at least one client file to the client from the server (col. 9, lines 60-62).

3.   Claims 1, 2, 9-10, 13-16, 18-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by ADSM Concepts .

ADSM Concepts taught a system for remotely accessing a client in a client-server system comprising a browser for requesting remote access; a client machine further comprised of a listening program configured to be responsive to requests for remote access from the browser, establish direct communications therewith, and invoke a client agent for communicating with the browser and a server machine(page 22 and 111).

As to claim 2 ADSM Concepts taught wherein the browser requests access to a client machine by sending a universal resource locator containing a machine name and a port number of a network (page 112).

As to claims 9-10 ADSM Concepts taught method for remotely accessing a client machine from a browser over a network comprising the steps of providing a universal resource locator containing a machine name and a port number at a command line at the browser; listening at the port number for access requests at the client machine; responsive to a request for access from the browser, establishing direct communications therewith; invoking a client agent within an application programming interface; and communicating between the client agent and the browser over the network further comprising the step of communicating between the client agent and a server over the network (pages 22, 111-112).

As to claims 13-15, ADSM Concepts taught the communications are comprised of performing client functions from the browser further comprised of retrieving files from the server to the client machine and backing up files on client machine to the server.

As to claim 16, , ADSM Concepts taught computer-readable medium having a program for servicing a request using a client, the client being capable of communicating with a browser, the client providing a plurality of functions, the program containing instructions for: providing a client agent containing a client platform and an application programming interface; and providing a listening program for listening for a communication from the browser, establishing direct communications therewith, and invoking the client agent; wherein the client agent communicates with both the browser and a server (page 22, 111-112).

As to claim 18, , ADSM Concepts taught the browser and the server are on the same machine (page 111).

As to claims 19-20, ADSM Concepts taught the communications by the client agent with the server include instructions for backing up at least one client file and instructions for restoring at least one client file to the client from the server.

4.   Claims 3-8, and 11-12 objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Larry D. Donaghue whose telephone number is 571-

272-3962. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a
USPTO Customer Service Representative or access to the automated information
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Larry D Donaghue/   Larry D Donaghue
Primary Examiner, Art Unit 2154   Primary Examiner
                                                      Art Unit 2154